IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

C.W.P. No.198 of 2006.

Date of decision: 8.5.2007

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Rahul Sharma ....Petitioner

-Versus-

Secretary (Agriculture), New Delhi and others ….Respondents

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Coram:

The Hon'ble Mr.Justice Deepak Gupta, Judge.

The Hon'ble Mr.Justice Surinder Singh, Judge.

Whether approved for reporting?No

For the Petitioner: Mr.Subhash Sharma, Advocate.

For Respondents: Mr.M.S.Chandel,A.G. with Mr.R.M. Bisht, Dy.A.G. for respondent-3.
Mr.Rakesh Jaswal, counsel for R-4.

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**Deepak Gupta, J.(Oral)**

This petition is purported to have been filed in the public interest. According to the petitioner there are large scale financial irregularities being committed in the respondent No.4 Chaudhary Sarwan Kumar, H.P.K.V.V., Palampur. The petitioner has sought the following reliefs:

> "It is, therefore, respectfully prayed that this writ petition may kindly be allowed and the respondent-University may kindly be directed:-
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> a)to give a wholesome explanation to the alleged irregularities and may kindly be further directed to produce the relevant records.

(c)Any other and further order which this Hon'ble Court deems just and proper, be also passed in favour of the petitioner and against the respondents."

The relief as claimed under clause (a) does not make any sense. Does the petitioner expect this Court to give wholesome explanation with regard to the alleged irregularities? However, to satisfy our own conscience we have gone through the entire record. The grievances of the petitioner are two-fold. According to the petitioner a large number of employees of the University have been erroneously granted four advance increments on account of their having Ph.D. degree and two advance increments on account of their having M.Phil degree. The second grievance is that the employees of the University have wrongly been given the benefit of a Motor Vehicle Privatization Scheme.

The admitted facts are that the pay scales of the teaching faculty of the University were revised on the UGC/ICAR pattern w.e.f. 1.1.1996 vide notification dated 27th May, 1999. It is not denied that the respondent-University had granted four advance increments to those members of the teaching faculty who had Ph.D. degree and two advance increments to those members of the faculty who have M.Phil degree. This was purportedly done in terms of Clause 4(ii)(a) of the communication dated 3.3.1999 issued by the Government of India. The State of H.P. directed the University not to pay this amount. The University put up this matter before its Finance Committee which took a decision that in order to avoid

necessary litigation the teachers appointed upto 28.8.2002 i.e. the date on which clarification in respect of the payment of 4/2 advance increments was made by the ICAR vide letter of same date would continue to be paid the advance increments, but these increments would not be paid to any other employees. This is a decision taken by the Finance Committee of the University. The University is an autonomous body and we fail to understand what is the public interest involved in this case. We are not going to the merits of the decision of the University but it cannot be said to be arbitrary or totally illogical. Therefore, the first contention of the petitioner is without merit.

The second contention of the petition is that the Government of Himachal Pradesh circulated a scheme for privatization of the use of vehicles for official purposes vide its letter dated Ist June, 2001. This scheme was applied by the University. The Government thereafter withdrew the said scheme vide its notification dated 5th July, 2001. According to the petitioner despite the scheme having been withdrawn by the Government on 5th July, 2001 the respondent No.4 University decided to implement the scheme as circulated by the Finance Department on 1.6.2001. Audit objections were raised in respect of the payments made thereunder. The petitioner contends that over-payments have been made to the employees of the University. The stand of the University is that after examining the privatization scheme it found that the scheme is economically more viable and they had implemented the scheme till audit objections

were raised and then withdrew the scheme. What is the manner of paying fuel allowance or motor vehicles allowance to its employees is a question for the employer to decide. No member of the public has any right to question the same unless the said question is shown to be arbitrary, illogical and leads to wastage of public funds. The petitioner has placed no material on record to show that by applying the scheme the respondent No.4 University suffered financial loss or that it had to pay extra money to its employees. The petitioner has not supported his allegations with any proper evidence.

In view of the above discussion, the petition is without any merit and is dismissed. No costs.

**( Deepak Gupta ),**
**Judge**

May 8, 2007.
PV

**( Surinder Singh ),**
**Judge**